

REMARKS

Favorable reconsideration of this application in light of the following election and remarks is respectfully requested.

No claims having been cancelled or added, the Applicants respectfully submit that claims 1-20 remain pending in this application.

The Applicants respectfully note that there is no indication in the present Office Action Summary regarding the acceptability of the original patent drawings submitted with this application or the Applicants' claim to foreign priority under 35 U.S.C. § 119. The Applicants respectfully request that these matters be addressed in the next Office Action so that the Applicants will be afforded a full and fair opportunity to address any perceived deficiencies.

Restriction Requirement

The Examiner has imposed a Restriction Requirement under 35 U.S.C. § 121 and identified two groups of claims corresponding to the identified inventions:

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| Group I | Claims 1-15, drawn to a device classified in class 257,
subclass 666; and |
| Group II | Claims 16-20, drawn to a method classified in class 438,
subclass 123. |

Applicants' Election

For examination in this application the Applicants elect, with traverse, the Group I claims, claims 1-15, drawn to a device.

Arguments in Support of Traversal

The Examiner correctly notes that these two groups of claims are related as a process of making and the product made by the recited process. The Examiner further contends that the product, as claimed, may be made with another and materially different process “such that the process includes the step of providing a plurality of inner leads.” Action at 2. The Applicants respectfully contend that the term “leads” as recited in claim 16 would encompass both “inner” and “outer” leads and that, in order for a portion of any such leads to be cut, the leads must have been “provided.” The Applicants respectfully contend, therefore, that the Examiner has not demonstrated that the proposed “method” is materially different from the claimed process.

The Applicants also respectfully contend that the intimate relationship between the steps in a method of manufacturing and the structure or device resulting from the recited combination of method steps necessitates significant overlap in the prior art search directed to either of the defined groups of claims. The Applicants respectfully note that, in order for a restriction to be proper, the inventions must be independent or distinct as claims *and* there must be a serious burden on the examiner. MPEP § 803. The Applicants respectfully contend that in this instance, notwithstanding the different classification of the two inventions, the degree to which the prior art relevant to the two inventions overlaps is sufficient to overcome the prima facie presumption of undue

burden. The Applicants respectfully maintain, therefore, that these two inventions, although independent and distinct, should not be subjected to a restriction requirement.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

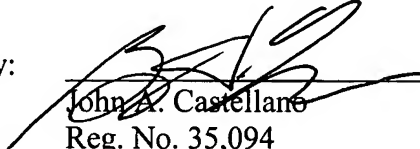
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.

By:


John A. Castellano
Reg. No. 35,094

P.O. Box 8910
Reston, VA 20195
(703) 668-8000


JAC/GPB